

US00D965388S

(12) **United States Design Patent** (10) **Patent No.:** **US D965,388 S**  
**McCabe et al.** (45) **Date of Patent:** **\*\* Oct. 4, 2022**

(54) **BEVERAGE CONTAINER**

FOREIGN PATENT DOCUMENTS

(71) Applicant: **Leapfrog Product Development LLC**,  
Chicago, IL (US)

CA 138914 \* 10/2011

(72) Inventors: **Micaela K. McCabe**, Chicago, IL (US);  
**Steven N. Pinelli**, Ogden Dunes, IN  
(US); **Glen C. Gilmore, III**, Naperville,  
IL (US); **Derek J. Leatzow**, Chicago,  
IL (US); **Brian M. Clemens**,  
Burnsville, MN (US); **Richard E.**  
**Ellison**, Chicago, IL (US); **Kurtis M.**  
**Sward**, Anna Maria, FL (US)

OTHER PUBLICATIONS

Thermos, "Under Armour Draft 24 Ounce Water Bottle," Jun. 1,  
2011, Amazon.com, www.amazon.com/dp/B0053RW6EI (Year: 2011).\*

(Continued)

*Primary Examiner* — Joseph Kukella

*Assistant Examiner* — Arva P Adams

(74) *Attorney, Agent, or Firm* — Barnes & Thornburg  
LLP

(73) Assignee: **Leapfrog Product Development LLC**,  
Chicago, IL (US)

(\*\*) Term: **15 Years**

(57) **CLAIM**

We claim the ornamental design for a beverage container, as  
shown and described.

(21) Appl. No.: **29/681,200**

(22) Filed: **Feb. 22, 2019**

(51) **LOC (13) Cl.** ..... **07-01**

(52) **U.S. Cl.**

USPC ..... **D7/511**; D7/536

(58) **Field of Classification Search**

USPC ..... D7/392, 608, 523, 624.2, 532, 509, 413,  
D7/529, 410, 552.1, 396.1, 324, 554.2,  
D7/553.8, 555, 551.1, 702, 533, 553.2,  
D7/624.1, 624.3, 553.5, 701, 600.1, 602,  
D7/601, 683, 409, 383, 536, 553.6, 300.1,  
D7/300, 507, 300.2, 900, 392.1, 591, 391,  
D7/510, 511, 592; D9/449, 448, 445,  
D9/530, 553, 443, 414, 415, 432, 434,  
D9/435, 754, 527, 452, 529, 544, 455,

(Continued)

**DESCRIPTION**

FIG. 1 is a top perspective view of the beverage container  
according to the new design.

FIG. 2 is a bottom perspective view of the beverage con-  
tainer shown in FIG. 1.

FIG. 3 is a front elevation view of the beverage container  
shown in FIG. 1.

FIG. 4 is a rear elevation view of the beverage container  
shown in FIG. 1.

FIG. 5 is a left side elevation view of the beverage container  
shown in FIG. 1.

FIG. 6 is a right side elevation view of the beverage  
container shown in FIG. 1.

FIG. 7 is a top plan view of the water beverage container in  
FIG. 1; and,

FIG. 8 is a bottom plan view of the water beverage container  
in FIG. 1.

The broken lines in the drawings illustrate portions of the  
beverage container that form no part of the claimed design.

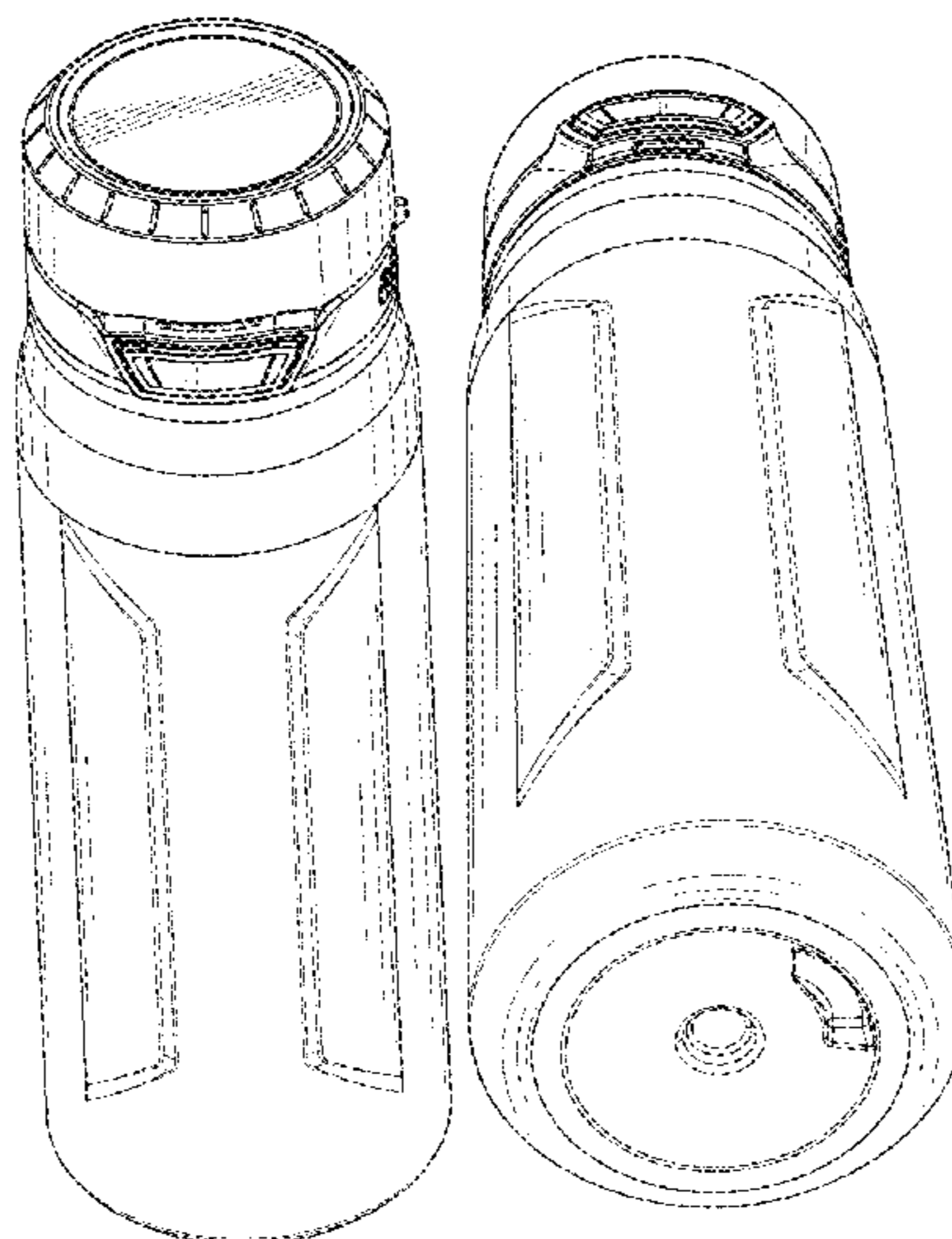
(56) **References Cited**

U.S. PATENT DOCUMENTS

D364,810 S 12/1995 Meisner  
D455,611 S \* 4/2002 Kitamura ..... D7/608

(Continued)

**1 Claim, 8 Drawing Sheets**



(58) **Field of Classification Search**

USPC ..... D9/702, 517, 456, 737, 553.3, 444, 504,  
 D9/683, 501, 502, 541, 503, 454, 500,  
 D9/689, 526; D3/202, 203.2, 294, 318,  
 D3/203.3, 901; D11/130.1; D14/238;  
 D6/681.3; D10/46.2, 46.3; 220/592, 557,  
 220/568, 264, 714, 705, 710.5; D26/9;  
 206/557; D24/121; D28/89, 91, 91.1,  
 D28/88; 215/370, 2  
 CPC ..... A47G 23/06; A47G 19/2288; A47G  
 19/2227; A47G 19/22; A47G 19/2205;  
 A47G 19/2211; A47G 19/26; B65D  
 41/04; B65D 51/24; B65D 53/02; B65D  
 25/22; A47J 47/02

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

D471,455 S 3/2003 Laveault et al.  
 D485,132 S 1/2004 Ohno et al.  
 D505,294 S \* 5/2005 Gauss ..... D7/392.1  
 D508,185 S 8/2005 Gauss  
 D515,357 S 2/2006 Ward et al.  
 D528,862 S 9/2006 Li  
 D533,061 S 12/2006 Li  
 D564,841 S 3/2008 Clemens et al.  
 D579,722 S 11/2008 Sakulsacha et al.  
 D581,727 S 12/2008 Pinelli et al.  
 D592,456 S 5/2009 Pinelli et al.  
 D592,905 S 5/2009 Pinelli et al.  
 D592,913 S 5/2009 Pinelli et al.  
 7,546,933 B2 6/2009 Pinelli  
 D596,460 S \* 7/2009 Nezu ..... D7/510  
 D609,964 S 2/2010 Lane  
 D641,241 S \* 7/2011 Goto ..... D9/449  
 D643,249 S \* 8/2011 Miller ..... D7/510  
 7,997,442 B2 8/2011 Pinelli  
 D655,580 S \* 3/2012 Kotani ..... D7/608  
 D656,787 S 4/2012 Phillips et al.  
 D658,445 S \* 5/2012 Carreno ..... D7/510  
 D661,945 S 6/2012 Eyal  
 D675,060 S \* 1/2013 Lane ..... D7/392.1  
 8,360,267 B1 1/2013 Chiou et al.  
 D686,871 S \* 7/2013 Lane ..... D7/392.1  
 D686,872 S \* 7/2013 Lane ..... D7/392.1  
 D690,557 S \* 10/2013 Carreno ..... D7/510  
 D693,629 S 11/2013 Miller  
 D693,630 S 11/2013 Hurley  
 8,579,133 B2 11/2013 Marcus et al.  
 8,590,731 B2 11/2013 Pinelli  
 D700,012 S 2/2014 Hurley  
 D700,802 S 3/2014 Miller  
 8,978,906 B2 3/2015 Feeley  
 D725,966 S \* 4/2015 Boroski ..... D7/511  
 D739,183 S \* 9/2015 Lane ..... D7/605  
 9,266,643 B2 2/2016 Marcus et al.  
 D758,189 S 6/2016 Roth et al.  
 D758,790 S \* 6/2016 Boroski ..... D7/392.1  
 D780,578 S \* 3/2017 Lane ..... D9/445  
 D785,402 S 5/2017 Shirley et al.  
 D793,804 S \* 8/2017 Herbst ..... D7/392.1  
 D794,453 S \* 8/2017 Boroski ..... D9/449  
 D795,011 S \* 8/2017 Pisarevsky ..... D7/510  
 D798,664 S \* 10/2017 Kristinik ..... D7/509  
 D799,898 S 10/2017 Yao  
 D802,993 S 11/2017 Joseph et al.  
 D804,903 S 12/2017 Mason et al.  
 D804,904 S 12/2017 Noveletsky et al.  
 D808,220 S 1/2018 Bums et al.  
 D809,384 S 2/2018 Best et al.  
 D814,398 S 4/2018 Yasunaga  
 D817,713 S 5/2018 Lin  
 D818,767 S 5/2018 Nezu  
 D821,136 S 6/2018 Silsby et al.

D821,137 S 6/2018 Boroski  
 D821,815 S 7/2018 Chung  
 D822,427 S 7/2018 Sorensen et al.  
 D829,507 S \* 10/2018 Breit ..... D7/529  
 D831,425 S 10/2018 Best et al.  
 D831,433 S 10/2018 Fleischhut  
 D835,939 S 12/2018 Yee et al.  
 D839,044 S \* 1/2019 Potter ..... D7/392  
 D848,787 S 5/2019 Tatsukawa et al.  
 D853,181 S 7/2019 Stanton  
 D853,784 S 7/2019 Wu  
 D865,457 S 11/2019 Kotani  
 D869,230 S 12/2019 Hao  
 D870,509 S 12/2019 Bo  
 D888,712 S \* 6/2020 Tabata ..... D14/358  
 D892,558 S \* 8/2020 Wang ..... D7/510  
 2011/0089059 A1 4/2011 Lane et al.  
 2012/0312832 A1 \* 12/2012 Lane ..... B65D 51/242  
 220/833  
 2014/0339177 A1 11/2014 Lane  
 2015/0282654 A1 \* 10/2015 Ku ..... B65D 43/163  
 220/254.5  
 2017/0297785 A1 10/2017 Maruyama et al.  
 2020/0071027 A1 \* 3/2020 Lane ..... B65D 47/088

OTHER PUBLICATIONS

Zulu, “Zulu Studio Bouteille,” Dec. 10, 2017, Amazon.com, www.amazon.ca/dp/B0752QCNM3 (Year: 2017).\*

Zulu, “ZULU Boost Tritan Shaker Bottle 28oz,” Oct. 2, 2018, Amazon.com, www.amazon.com/dp/B07HYB7JXG (Year: 2018).\*

Zulu Athletic, “Check out our new Swift Tritan Bottles,” Feb. 20, 2019, Facebook.com, www.facebook.com/zuluwaterbottles/photos/a.215605928595734/1230200060469644 (Year: 2019).\*

Zulu, “Atlas20 oz Glass Water Bottle,” accessed on-line at: <https://www.zuluathletic.com/shop-all/atlas-glass-water-bottle> (available at least as early as Feb. 22, 2019).

Kor, “Vida Bottle—25oz,” accessed on-line at: <https://waterbottles.com/kor-vida-bottle-25-oz> (available at least as early as Feb. 22, 2019).

Thermos, “Hydration Bottle with Rotating Intake Meter, 24oz,” accessed on-line at: <https://www.thermos.com/genuine-thermos-brand-hydration-bottle-with-rotating-intake-meter-24oz.html> (available at least as early as Feb. 22, 2019).

Thermos, “Shaker Bottle with Integrated Mixer, 24oz,” accessed on-line at: <https://www.thermos.com/genuine-thermos-brand-shaker-bottle-with-integrated-mixer-24oz-clear-green-accent.html> (available at least as early as Feb. 22, 2019).

Tervis, “Custom Water Bottle,” accessed on-line at: <https://www.tervis.com/turtle-sunset-stainless-steel-24oz-stainless-water-bottle-1362572.html> (available at least as early as Feb. 22, 2019).

Swell, “Bottles,” accessed on-line at: <https://www.swell.com/shop/swell/bottles/> (available at least as early as Feb. 22, 2019).

Tritan, “32 oz Soft Straw Plastic Water Bottle,” accessed on-line at: <http://www.pogogear.com/32oz-tritan-straw> (available at least as early as Feb. 22, 2019).

Tritan, “32oz Chug Plastic Water Bottle,” accessed on-line at: <http://www.pogogear.com/32oz-tritan-chug> (available at least as early as Feb. 22, 2019).

Tritan, “18oz Chug Plastic Water Bottle,” accessed on-line at: <http://www.pogogear.com/18oz-tritan-chug> (available at least as early as Feb. 22, 2019).

Ello, “chi 24oz BPA-Free Tritan Plastic Water Bottle,” accessed on-line at: <https://www.elloproducts.com/water-bottles/chi-24oz-plastic-water-bottle> (available at least as early as Feb. 22, 2019).

Ello, “Dash 16oz 2pk Tritan Plastic Water Bottles,” accessed on-line at: <https://www.elloproducts.com/kids/dash-16oz-tritan-plastic-water-bottle> (available at least as early as Feb. 22, 2019).

Ello, “Cru Stemless Wine glass Set with Silicone Protection,” accessed on-line at: <https://www.elloproducts.com/tumblers/cru-stemless-wine-glass-set-with-silicone-protection> (available at least as early as Feb. 22, 2019).

(56)

**References Cited**

## OTHER PUBLICATIONS

Ello, "Elsie 22oz Glass Water Bottle," accessed on-line at: <https://www.elloproducts.com/water-bottles/elsie-22oz-glass-water-bottle> (available at least as early as Feb. 22, 2019).

Ello, "Beacon 24oz Vacuum Insulated Stainless Tumbler," accessed on-line at: <https://www.elloproducts.com/tumblers/beacon-24oz-vacuum-insulated-stainless-tumbler> (available at least as early as Feb. 22, 2019).

Ello, "Rise 12oz Vacuum Insulated Stainless Steel Tumbler with Optional Straw," accessed on-line at: <https://www.elloproducts.com/kids/rise-12oz-vacuum-insulated-stainless-steel-tumbler> (available at least as early as Feb. 22, 2019).

Ello, "Hammertime 18oz Stainless Steel Travel Mug," accessed on-line at: <https://www.elloproducts.com/travel-mugs/hammertime-18oz-vacuum-insulated-stainless-steel-travel-mug> (available at least as early as Feb. 22, 2019).

Ello, "Pure 20oz Glass Water Bottle," accessed on-line at: <https://www.elloproducts.com/water-bottles/pure-20oz-glass-water-bottle> (available at least as early as Feb. 22, 2019).

Ello, "Max 12oz Vacuum-Insulated Stainless Steel Kids Water Bottle," accessed on-line at: <https://www.elloproducts.com/kids/max-12oz-vacuum-insulated-stainless-steel-kids-water-bottle> (available at least as early as Feb. 22, 2019).

Ello, "Syndicate 20oz Glass Water Bottle," accessed on-line at: <https://www.elloproducts.com/water-bottles/syndicate-20oz-glass-water-bottle> (available at least as early as Feb. 22, 2019).

Camelbak, "Eddy+ 1L Bottle," accessed on-line at: [https://www.camelbak.com/en/bottles/R02056--Eddy\\_75L\\_2019?color=6bbd0584f3a64b0eb30d406f7e03797e](https://www.camelbak.com/en/bottles/R02056--Eddy_75L_2019?color=6bbd0584f3a64b0eb30d406f7e03797e) (available at least as early as Feb. 22, 2019).

Contigo, "Autoseal West Loop 2.0 Stainless," accessed on-line at: <https://www.gocontigo.com/20-oz-autoseal-west-loop-stainless-travel-mug-with-easy-clean-lid.html> (available at least as early as Feb. 22, 2019).

Contigo, "Autospout Straw Striker Chill," accessed on-line at: <https://www.gocontigo.com/14-oz-autospout-striker-kids-water-bottle.html> (available at least as early as Feb. 22, 2019).

Zojirushi, "Travel Mug SM-YAE48," accessed on-line at: <https://www.zojirushi.com/app/product/smyae> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-KC3648," accessed on-line at: <https://www.zojirushi.com/app/product/smkc> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Bottle SJ-JS10," accessed on-line at: <https://www.zojirushi.com/app/product/sjjs> (available at least as early as Feb. 22, 2019).

Zojirushi, "Flip-and-Go Stainless Mug SM-QHE48/60," accessed on-line at: <https://www.zojirushi.com/app/product/smqhe> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-TAE48SA, Ichimatsu Collection," accessed on-line at: <https://www.zojirushi.com/app/product/smtae> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-TA36/48/60," accessed on-line at: <https://www.zojirushi.com/app/product/smta> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-SE36/48/60," accessed on-line at: <https://www.zojirushi.com/app/product/smse> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-SD36/48/60," accessed on-line at: <https://www.zojirushi.com/app/product/smsd> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-SHE48/60," accessed on-line at: <https://www.zojirushi.com/app/product/smshe> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-KHE36/48," accessed on-line at: <https://www.zojirushi.com/app/product/smke> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-SC36/48/60" accessed on-line at: <https://www.zojirushi.com/app/product/smsc> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-KC36/48," accessed on-line at: <https://www.zojirushi.com/app/product/smkc> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-PC20/30," accessed on-line at: <https://www.zojirushi.com/app/product/smpc> (available at least as early as Feb. 22, 2019).

Zojirushi, "Stainless Mug SM-PB30/34," accessed on-line at: <https://www.zojirushi.com/app/product/smpb> (available at least as early as Feb. 22, 2019).

Migo, "Enjoy Sport Water Bottle," accessed on-line at: <https://www.pinterest.ru/pin/12666442685646757/> (available at least as early as Feb. 22, 2019).

Coleman, "Switch SS," accessed on-line at: [https://www.coleman.com/all-camp-kitchen/drinkware/switch-ss/col\\_2038485\\_pr/COL\\_2038485](https://www.coleman.com/all-camp-kitchen/drinkware/switch-ss/col_2038485_pr/COL_2038485) (available at least as early as Feb. 22, 2019).

Corkcicle, "Classic Arctican," accessed on-line at: <https://corkcicle.com/products/classic-arctican?variant=475182759951> (available at least as early as Feb. 22, 2019).

\* cited by examiner

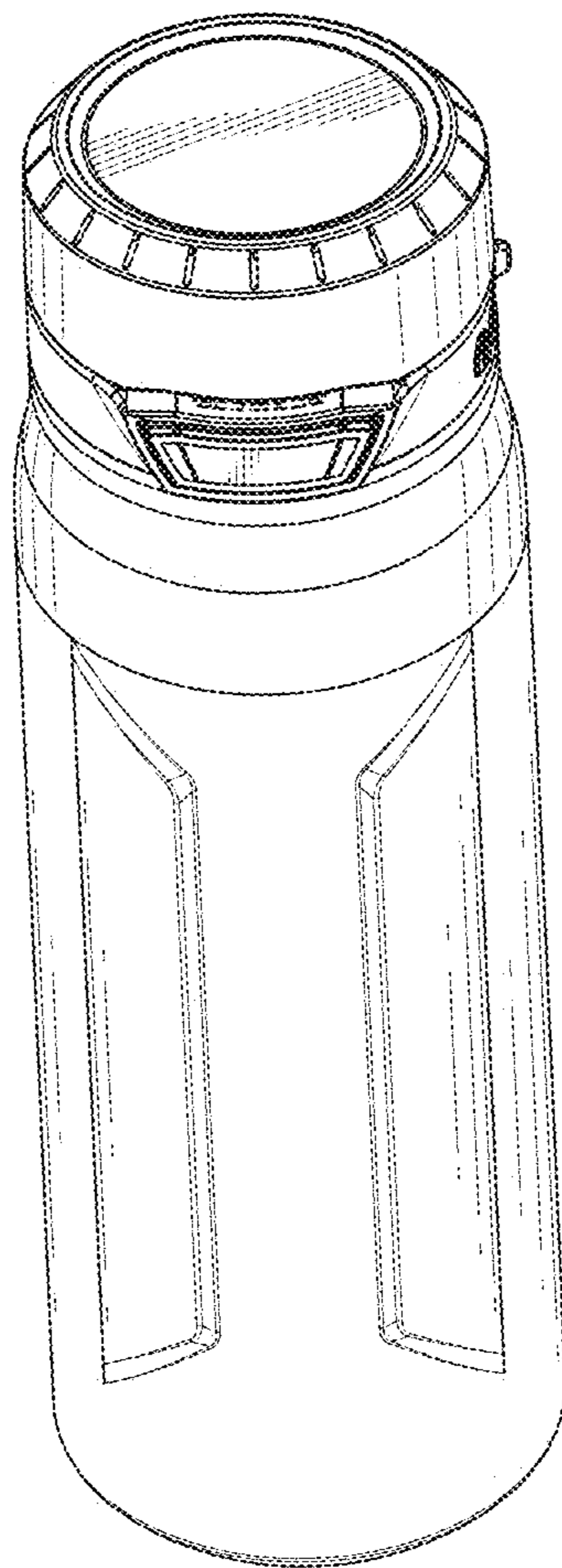


FIG. 1

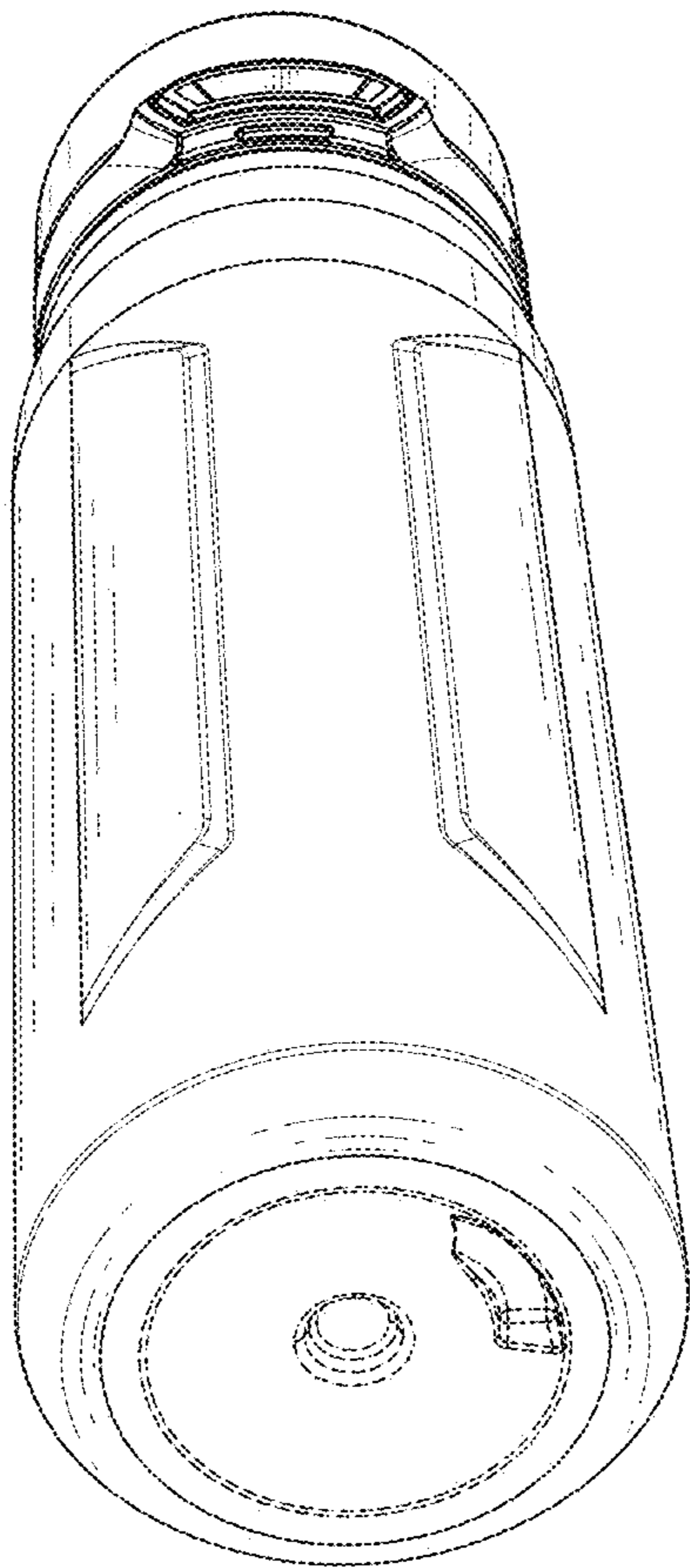


FIG. 2

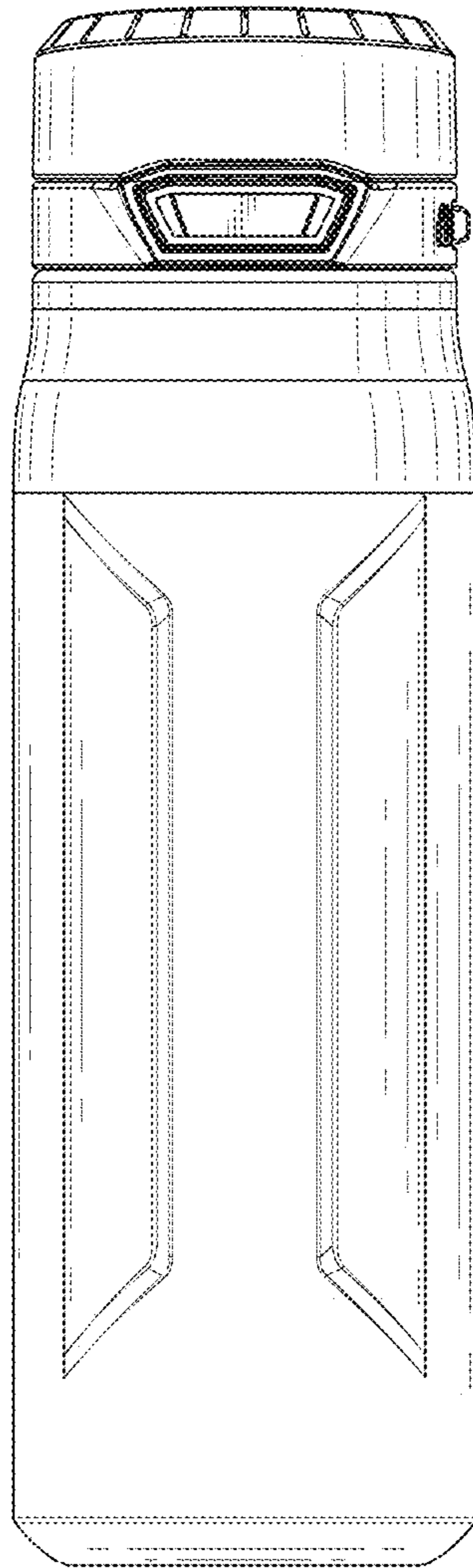


FIG. 3

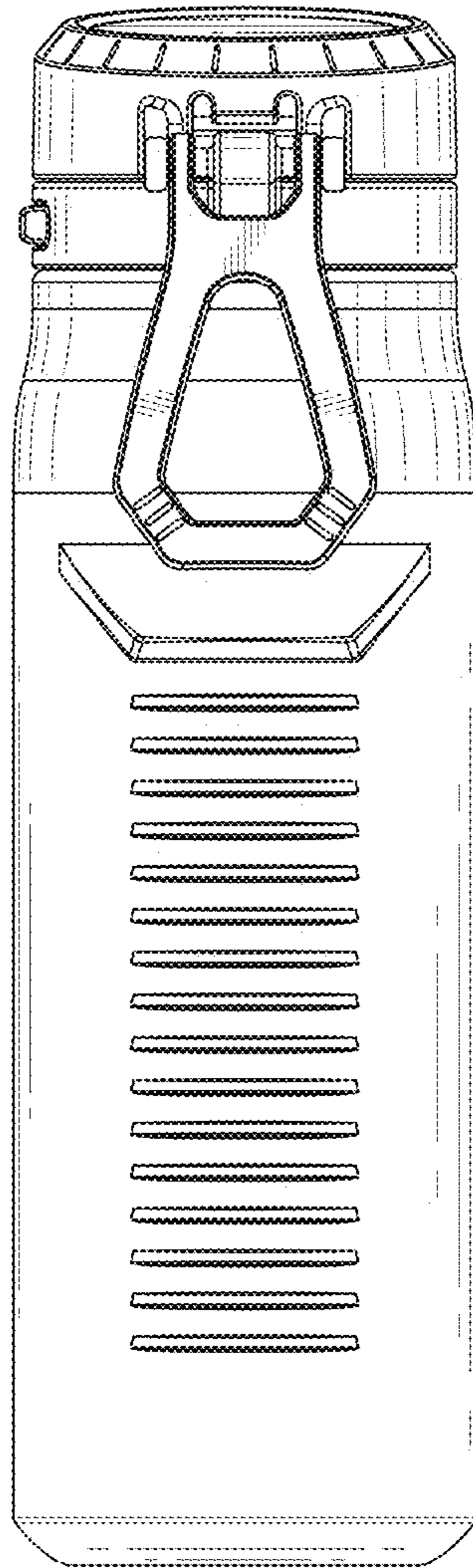


FIG. 4

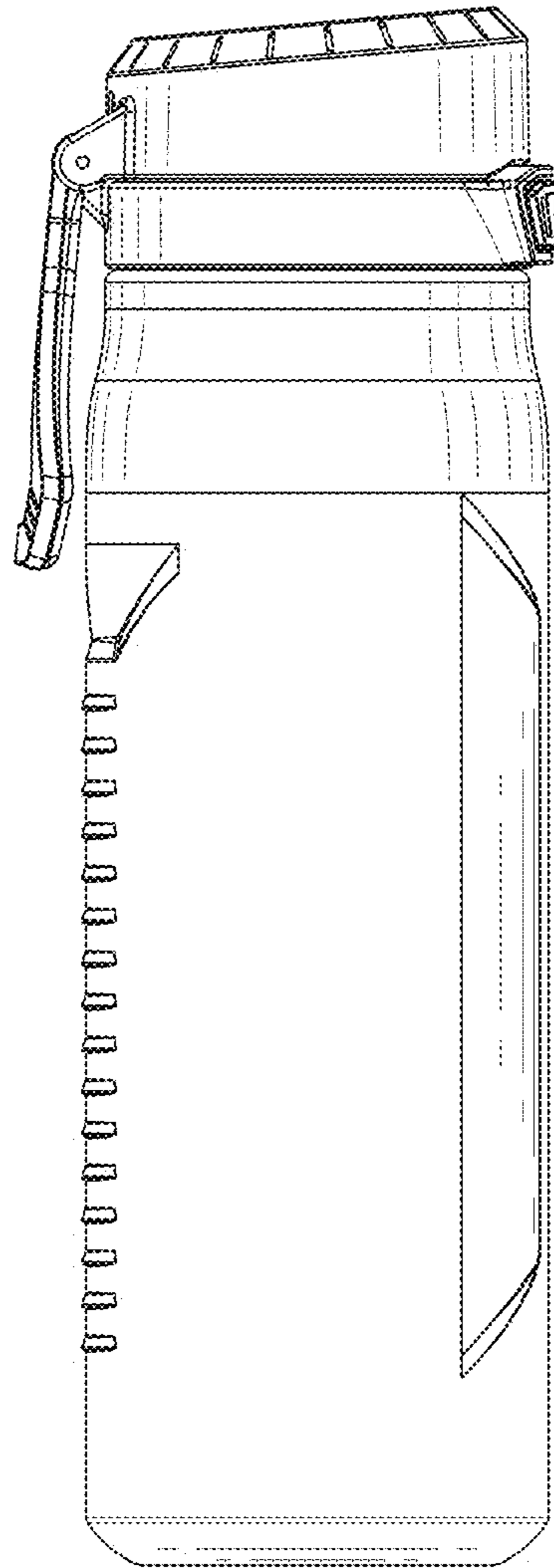


FIG. 5



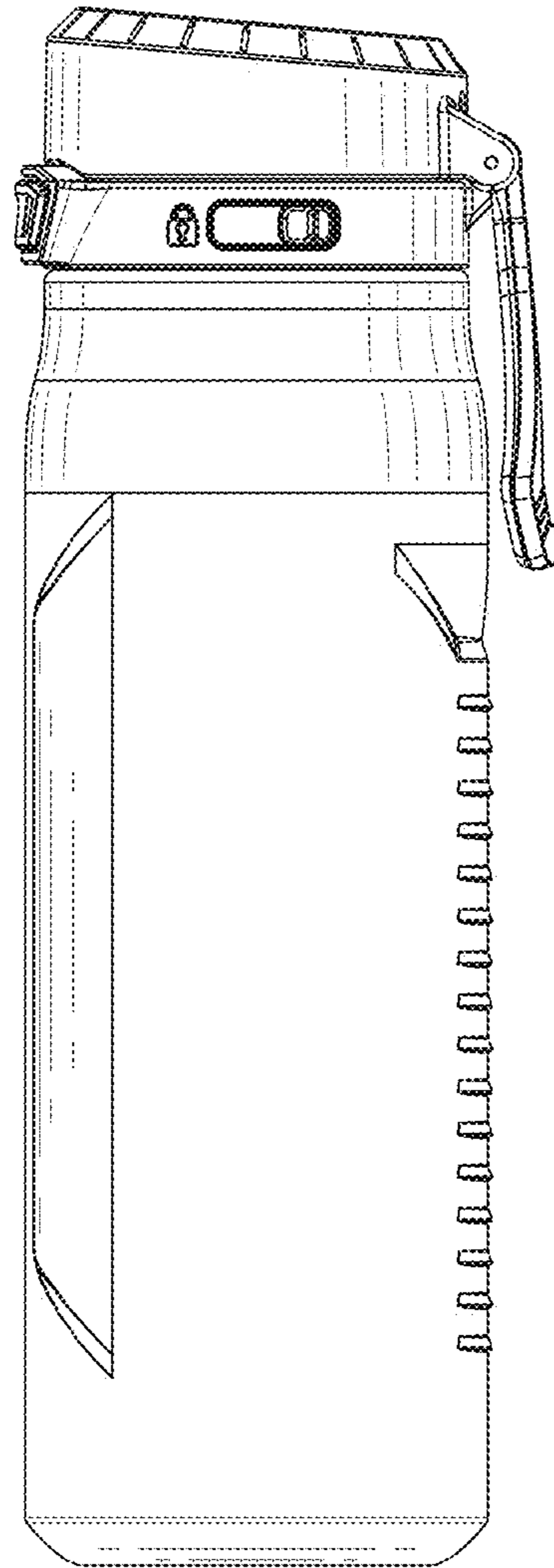


FIG. 6

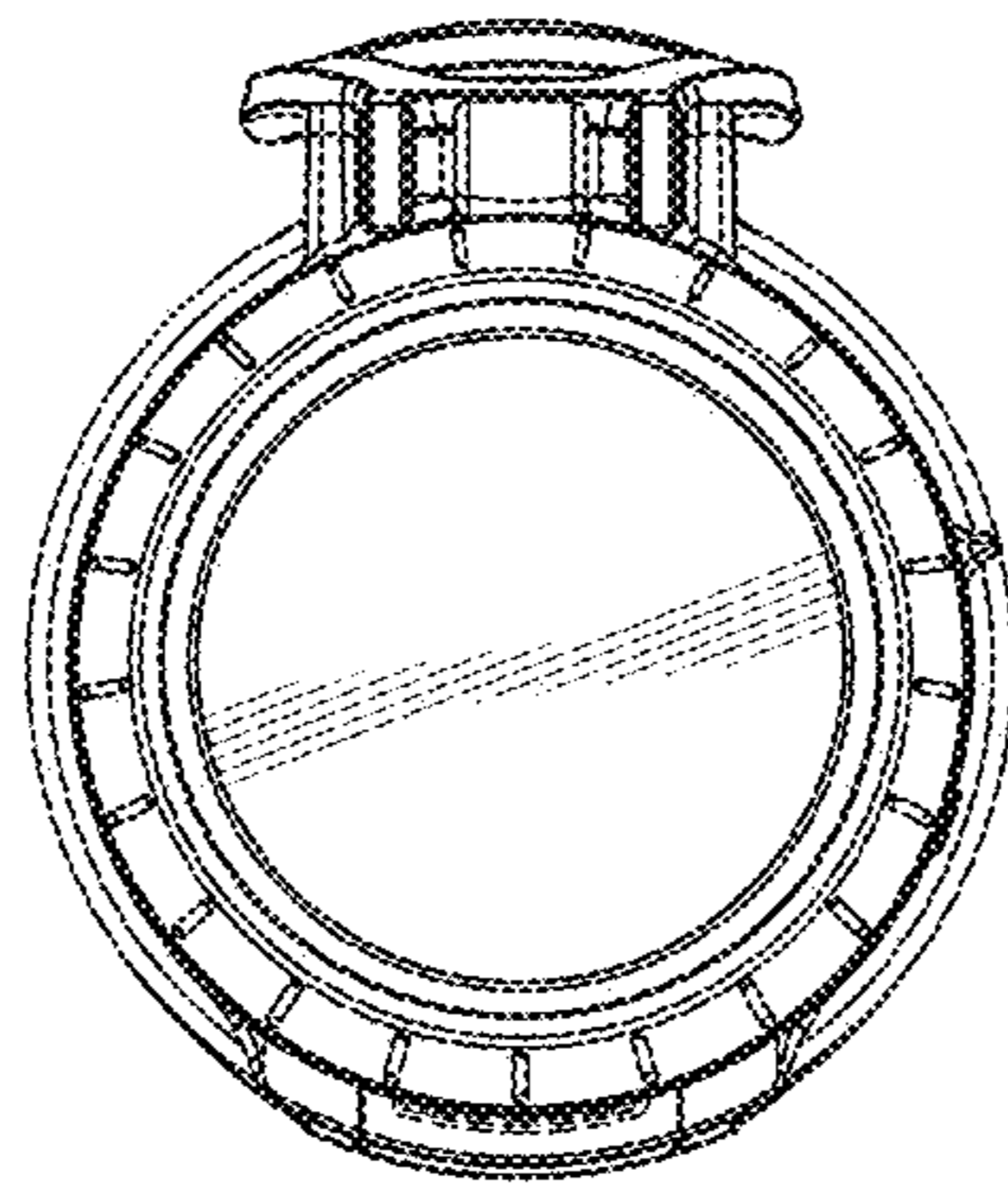


FIG. 7

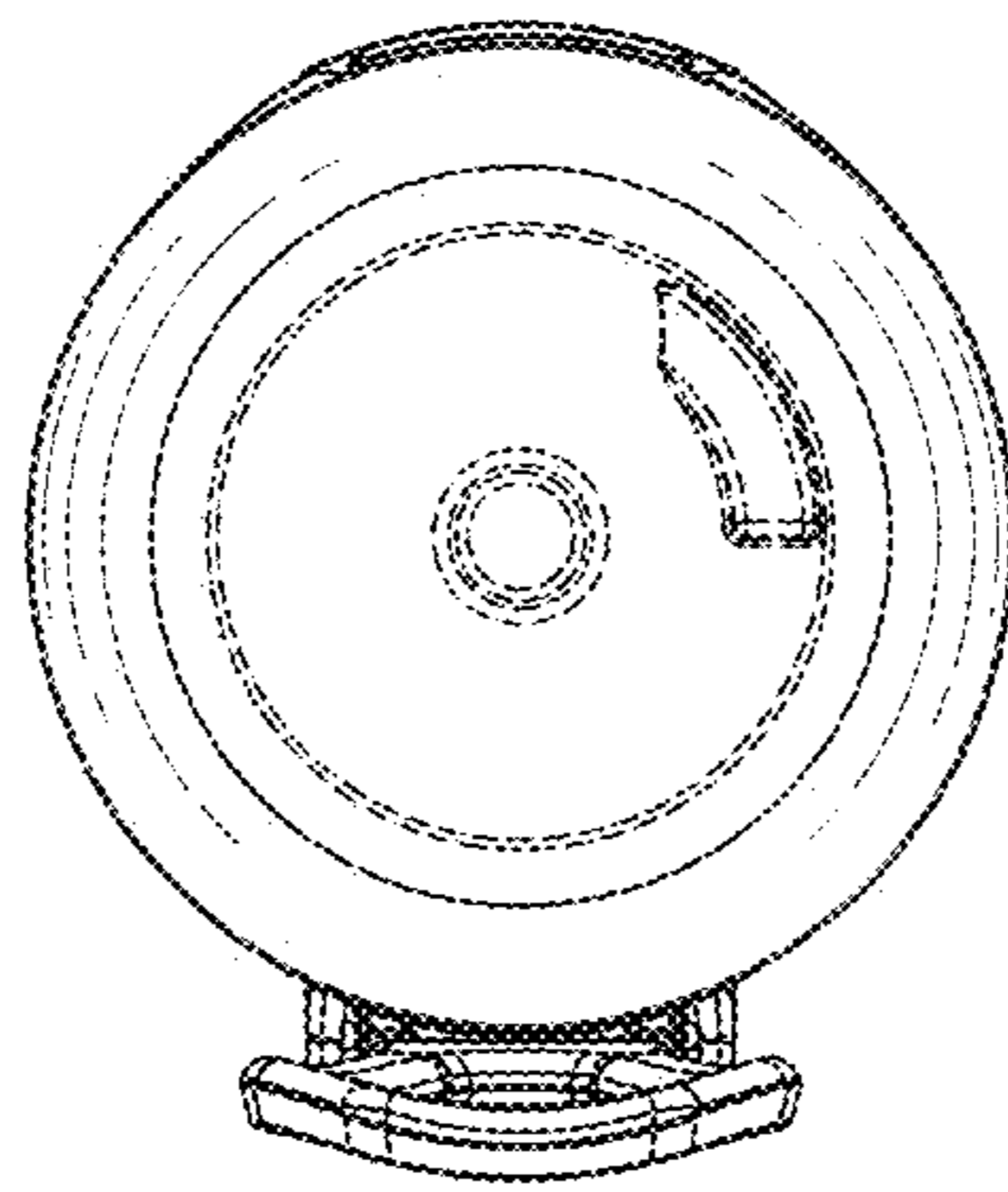


FIG. 8